

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 10.57.102, 10.57.112,) REPEAL
10.57.201, 10.57.201A, 10.57.215,)
10.57.216, 10.57.301, 10.57.410
through 10.57.421, 10.57.424 through
10.57.430, 10.57.432 through
10.57.436, 10.57.601A and repeal of
ARM 10.57.104, 10.57.110,
10.57.220, 10.57.422, and 10.57.423
relating to educator licensure

TO: All Concerned Persons

1. On January 29, 2009, the Board of Public Education published MAR Notice No. 10-57-248 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 30 of the 2009 Montana Administrative Register, Issue Number 2.

2. The board has amended the following rules as proposed: ARM 10.57.112, 10.57.201A, 10.57.216, 10.57.301, 10.57.412, 10.57.413, 10.57.415, 10.57.416, 10.57.417, 10.57.418, 10.57.419, 10.57.421, 10.57.432, 10.57.433, 10.57.434, 10.57.435, and 10.57.436.

3. The board has amended the following rules as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

10.57.102 DEFINITIONS (1) through (20)(a) remain as proposed.

(b) the school(s) they are claiming to hold or have held supervisory responsibilities over have noted there is no superintendent or principal by having the chair of the Board of Trustees ~~sign the school's Annual Data Collection report~~ submit evidence of the supervisory role of the county superintendent.

(21) through (22) remain as proposed.

10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES (1) remains as proposed.

(2) Applicants for initial licensure who qualify under subchapter 4 and meet the following qualifications to practice ~~shall~~ may be licensed Class 1, 2, 3, or 6 as appropriate:

(a) and (b) remain as proposed.

~~(i) an applicant for initial Class 1, 2, or 3 licensure whose degree is more than five years old and who does not have current out-of-state licensure must have earned six semester credits within the five-year period preceding the effective date of the license;~~

~~(ii) an applicant for an initial Class 6 license whose degree is more than five years old and who does not have current out-of-state licensure must have earned six graduate semester credits within the five-year period preceding the effective date of the license;~~

(c) individuals who hold a current license from the National Board for Professional Teaching Standards in an area that can be licensed in Montana and have satisfied minimal educator licensure requirements as defined in ARM 10.57.102; or

(d) remains as proposed.

~~(e) (3) individuals seeking~~ Applicants for initial Class 1 or 2 licensure must verify completion of a supervised teaching experience either as part of an accredited professional educator preparation program or successfully complete one year of supervised internship in a state accredited elementary and/or secondary school or school district either in Montana or elsewhere.

(4) Applicants for initial Class 1, 2, or 3 licensure whose degree is more than five years old and who do not have current out-of-state licensure must have earned six semester credits within the five-year period preceding the effective date of the license;

(5) Applicants for an initial Class 6 license whose degree is more than five years old and who do not have current out-of-state licensure must have earned six graduate semester credits within the five-year period preceding the effective date of the license;

(3) through (6) remain as proposed but are renumbered (6) through (9).

10.57.215 RENEWAL REQUIREMENTS (1) through (3)(a)(iii) remain as proposed.

(iv) ~~comply in compliance~~ with (6) and (7); or

(b) through (7) remain as proposed.

10.57.410 CLASS 2 STANDARD TEACHER'S LICENSE (1) and (2) remain as proposed.

(a) meeting or exceeding the minimum educator licensure requirements in ARM 10.57.102~~(14)~~ (15);

(b) through (4) remain as proposed.

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE (1) through (2)(b) remain as proposed.

(c) three years of successful teaching experience as defined by ARM 10.57.102~~(20)~~ (21).

(3) and (4) remain as proposed.

10.57.414 CLASS 3 ADMINISTRATIVE LICENSE – SUPERINTENDENT ENDORSEMENT (1) through (1)(b)(vi) remain as proposed.

(vii) three semester credits of college coursework in Montana school law and three semester credits of college coursework in Montana school finance. ~~Applicants who meet all other requirements for the superintendent~~

~~endorsement but lack these courses shall be issued the Class 3 license and must sign and file a plan of professional intent with the Superintendent of Public Instruction agreeing to complete these courses by the first renewal of their Class 3 license.~~

(2) through (2)(c) remain as proposed.

~~(d)~~ (i) licensure and endorsement as a K-12 principal; and

(e) (ii) a minimum of one year of administrative experience as defined in ARM 10.57.102(20) or a minimum of one year of a supervised Board of Public Education approved administrative internship as superintendent.

(3) through (3)(b) remain as proposed.

10.57.420 CLASS 4 CAREER AND TECHNICAL EDUCATION LICENSE

(1) through (2)(a) remain as proposed.

(b) A Class 4B license shall be issued to individuals with at least a bachelor's degree, but who do not hold a valid Montana secondary level teaching license with the appropriate career and technical education endorsement; and

(2)(c) through (3)(a) remain as proposed.

(i) principles and/or philosophy of career and technical education; or

(3)(a)(ii) through (3)(b)(i) remain as proposed.

(i) principles and/or philosophy of career and technical education; ~~and~~

or

(3)(b)(ii) through (3)(c)(vi) remain as proposed.

(vii) career guidance in career and technical education; ~~and~~ or

(3)(c)(viii) through (4)(b)(vi) remain as proposed.

(vii) career guidance in career and technical education; or

(4)(b)(viii) remains as proposed.

10.57.424 CLASS 5 ALTERNATIVE LICENSE (1) through (3) remain as proposed.

(4) ~~A Class 5 alternative license holder~~ is licensee is not eligible for a Board of Public Education approved internship program in the same endorsement area subsequent to the Class 5 licensure expiration date.

(5) remains as proposed.

10.57.425 CLASS 5 ALTERNATIVE LICENSE – ELEMENTARY LEVEL

(1) remains as proposed.

(a) meeting or exceeding the minimal educator licensure requirements set forth in ARM 10.57.102(14) (15);

(1)(b) and (1)(c) remain as proposed.

(d) for those ~~licensees~~ applicants who have not completed an accredited professional educator preparation program, a plan of study from an

accredited professional educator preparation program.

10.57.426 CLASS 5 ALTERNATIVE LICENSE – SECONDARY LEVEL

(1) through (1)(c) remain as proposed.

(d) for those ~~licensees~~ applicants who have not completed an accredited professional educator preparation program, a plan of study from an accredited professional educator preparation program.

10.57.427 CLASS 5 ALTERNATIVE LICENSE – SUPERINTENDENT ENDORSEMENT (1) through (1)(d) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(iii) remain as proposed.

10.57.428 CLASS 5 ALTERNATIVE LICENSE – ELEMENTARY PRINCIPAL ENDORSEMENT (1) through (1)(c) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(ii) remain as proposed.

(iii) progress toward completion of requirements for the ~~superintendent~~ elementary principal endorsement.

10.57.429 CLASS 5 ALTERNATIVE LICENSE – SECONDARY PRINCIPAL ENDORSEMENT (1) through (1)(c) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(ii) remain as proposed.

(iii) progress toward completion of requirements for the ~~superintendent~~ secondary principal endorsement.

10.57.430 CLASS 5 ALTERNATIVE LICENSE – K-12 PRINCIPAL ENDORSEMENT (1) through (1)(c) remain as proposed.

(2) ~~Licensees~~ Applicants more than six semester credits from meeting requirements for full licensure must also submit written evidence of either:

(2)(a) through (2)(b)(ii) remain as proposed.

(iii) progress toward completion of requirements for the ~~superintendent~~ K-12 principal endorsement.

10.57.601A DEFINITION OF "IMMORAL CONDUCT" (1) remains as proposed.

(a) sexual contact, as defined in 45-2-101~~(67)~~, MCA, or sexual intercourse as defined in 45-2-101~~(68)~~, MCA, between a teacher, specialist or administrator and a person the teacher, specialist or administrator knows or reasonably should know is a student at a public or private elementary or secondary school;

(1)(b) through (1)(d)(iii) remain as proposed.

(e) ~~falsifying, intentionally misrepresenting, willfully omitting, or being~~

~~negligent in reporting information submitted to federal, state, and other governmental agencies such as professional qualifications, criminal history, and information submitted in the course of an official inquiry or investigation, college or professional development credit and/or degrees, academic awards, and employment history when applying for employment and/or licensure, or when recommending an individual for employment, promotion, or licensure. submitting false credentials, omitting relevant information, or making any statement of material fact the applicant knows to be false to apply for a license, endorsement, employment or promotion. False credentials include, but are not limited to:~~

~~(i) college degrees or credit from non-accredited or approved colleges or universities;~~

~~(ii) false professional development credit;~~

~~(iii) false academic awards; and~~

~~(iv) inaccurate employment history.~~

4. The board has repealed the following rules as proposed: ARM 10.57.104, 10.57.110, 10.57.220, 10.57.422, and 10.57.423.

5. The board has thoroughly considered the comments and testimony received. A summary of the comments received and the board's responses are as follows:

COMMENT #1: Marco Ferro, on behalf of MEA-MFT, stated that he supported the rules as written with the exception of ARM 10.57.414(b)(vii). He would like to keep the language in that section that reads, "three semester credits of college coursework in Montana school law and three semester credits of college coursework in Montana school finance" and delete the remainder of that subsection to be similar to the Class 5 language that applies to Class 1, 2, or 6 licensure.

RESPONSE #1: The board thanks Mr. Ferro for his input and agrees with his comment. The board has amended ARM 10.57.414(b)(vii) by deleting the last sentence of that subsection.

COMMENT #2: Dave Puyear, on behalf of MREA, stated that he supported the rules as written with the exception of ARM 10.57.414(b)(vii). He recommended that the board amend this section to be similar to the Class 5 language. He believes it would eliminate any confusion between what is expected for licensure of teachers and administrators and would promote a seamless system of licensure.

RESPONSE #2: The board thanks Mr. Puyear for his input and agrees with his testimony. The board has amended ARM 10.57.414(b)(vii) by deleting the last sentence of that subsection.

COMMENT #3: Bob Vogel, on behalf of the MTSBA, stated he supported the rules as written and believes they are clear and straight forward. He pointed out what he considered to be substantive differences between teachers and administrators to support a rule which is different between the two professions.

RESPONSE #3: The board thanks Mr. Vogel for his support but disagrees with his testimony regarding the differences between teachers and administrators underlying his argument to leave the rule as noticed.

COMMENT #4: Darrell Rud, on behalf of SAM, stated his support for the rules as written.

RESPONSE #4: The board thanks Mr. Rud for his support but disagrees that the rule should go forward as noticed.

COMMENT #5: Claudette Morton, on behalf of the MSSA, stated her support for the rules as written with the exception of:

(a) ARM 10.57.414(b)(vii) which she believes should be written in a manner that acknowledges competency rather than as a matter of credits; and

(b) ARM 10.57.102(20)(b) which she feels is inconsistent with the OPI's current policy. She recommended the following language: "(b) the school(s) they are claiming to hold or have held supervisory responsibilities over have noted there is no superintendent or principal by having the chair of the Board of Trustees submit evidence of the supervisory role of the county superintendent."

RESPONSE #5: The board thanks Dr. Morton for her support. The board will take comment (a) under advice and has amended ARM 10.57.102(20)(b) as suggested.

COMMENT #6: Ann Gilkey, on behalf of the OPI, stated support for the rules and submitted written suggested non-substantive amendments to the rules for clarification, ease of reading, and consistency.

RESPONSE #6: The board thanks Ms. Gilkey for her support and has amended the rules as suggested.

Steve Meloy
Rule Reviewer

Patty Myers, Chairperson
Board of Public Education

Certified to the Secretary of State March 16, 2009.